

RESOLUTION NO. 74918

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE ESTABLISHING A WATER BUDGET
PROGRAM FOR SAN JOSE MUNICIPAL WATER
SYSTEMS CUSTOMERS LOCATED WITHIN THE
EDENVALE, EVERGREEN AND COYOTE SERVICE
AREAS EFFECTIVE JUNE 1, 2009 THROUGH MAY 31,
2010**

WHEREAS, on February 27, 2009, the Governor declared a state of emergency due to drought and issued a proclamation directing various state agencies to implement a drought emergency plan and provide assistance to those impacted by the drought, and requesting that all urban water users immediately reduce their individual water use by twenty percent (20%); and

WHEREAS, local reservoirs are at roughly sixty-five percent (65%) of capacity, and state reservoirs are below fifty percent (50%), and severe regulatory restrictions on pumping from the Sacramento-San Joaquin River Delta to protect endangered fisheries have sharply reduced the quantity and reliability of imported water supply for the Santa Clara Valley Water District (District); and

WHEREAS, based on the local and state water supply conditions as well as the Governor's drought proclamation, the District Board on March 24, 2009 adopted a resolution declaring a water shortage and calling for a mandatory fifteen percent (15%) reduction in water usage from 2004 levels; and

WHEREAS, a program, under which San José Municipal Water System staff provide water budgets to customers located within the Edenvale, Evergreen and Coyote Valley service areas advising customers of the maximum amount of water that they should use on an average daily and monthly basis in order to achieve a fifteen percent (15%) reduction in water usage from 2004 levels, will provide valuable information to

customers to enable them to manage their water usage to achieve the necessary reduction in usage; and

WHEREAS, a water budget program should take into consideration past conservation efforts and provide a mechanism for customers to request adjustments in their water budget based on special circumstances or needs; and

WHEREAS, this Council finds that it is not necessary to establish special fees or charges for water usage exceeding established water budgets at this time; and

WHEREAS, on April 14, 2009 this Resolution was found to be categorically exempt from environmental review per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP09-082;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

San José Municipal Water System staff shall develop a program to provide water budgets to customers located within the Edenvale, Evergreen and Coyote Valley service areas to advise customers of the maximum amount of water that they should use on an average daily and monthly basis in order to achieve at least a fifteen percent (15%) reduction in water usage from 2004 levels, taking into consideration past conservation efforts and providing a mechanism for customers to request adjustments in their water budget based on special circumstances or needs, and without including special fees or charges for excess usage charges for exceeding the established water budget.

ADOPTED this 19th day of May, 2009, by the following vote:

AYES: CHU, CONSTANT, KALRA, LICCARDO, NGUYEN,
OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CAMPOS, CHIRCO, HERRERA.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk